

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

1	CITY OF EVANSTON, et al.,	)	
2		)	
3	Plaintiffs,	)	
4		)	
5	v.	)	No. 18 CV 04853
6	JEFFERSON BEAUREGARD SESSIONS,	)	
7	III, etc.,	)	Chicago, Illinois
8		)	August 8, 2018
9	Defendant.	)	9:18 a.m.

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE HARRY D. LEINENWEBER

APPEARANCES:

11	For the Plaintiffs:	TABET DiVITO ROTHSTEIN
12		BY: MR. BRIAN C. HAUSSMANN
13		MS. KATHERINE M. O'BRIEN
14		209 South LaSalle Street, Suite 700
15		Chicago, Illinois 60604
16		(312) 762-9450
17	For the Defendant:	MR. CHAD A. READLER
18		Acting Assistant Attorney General
19		MR. BRAD P. ROSENBERG
20		U.S. Department of Justice
21		20 Massachusetts Ave., N.W.
22		Washington, D.C. 20001
23		(202) 514-3374
24		HON. JOHN R. LAUSCH, JR.
25		United States Attorney
		BY: MR. THOMAS WALSH
		Assistant United States Attorney
		219 South Dearborn Street, Suite 500
		Chicago, Illinois 60604
		(312) 353-5300
	Court Reporter:	Judith A. Walsh, CSR, RDR, F/CRR
		Official Court Reporter
		219 South Dearborn Street, Room 1944
		Chicago, Illinois 60604
		(312) 702-8865
		judith_walsh@ilnd.uscourts.gov

1 (Proceedings heard in open court:)

2 THE CLERK: 18 C 4853, City of Evanston versus  
3 Sessions.

4 MR. HAUSSMANN: Good morning, your Honor. Brian  
5 Haussmann on behalf of the United States Conference of Mayors.

6 MR. WALSH: Thomas Walsh for the United States.

7 MR. ROSENBERG: Brad Rosenberg for the United States.

8 MR. READLER: Chad Readler on behalf of the United  
9 States.

10 MS. O'BRIEN: And Kate O'Brien also on behalf of the  
11 U.S. Conference of Mayors.

12 THE COURT: What precisely is up this morning?

13 MR. HAUSSMANN: Your Honor, when we were before your  
14 Honor on our motion for preliminary injunction, you had  
15 originally said you would set it for ruling tomorrow. When  
16 you issued your minute order, you set it for argument today  
17 and ruling tomorrow. So we're up both this morning and  
18 tomorrow morning as the schedule currently stands.

19 THE COURT: All right. Let me ask this: Is there  
20 any basis for distinguishing between Evanston and City of  
21 Chicago?

22 MR. READLER: Yes, there is, your Honor.

23 THE COURT: What?

24 MR. READLER: So City of Chicago is the grant  
25 recipient through the Byrne JAG program. Evanston is a

1 sub-recipient. So all of Evanston's rights flow through the  
2 City of Chicago. Evanston has no independent right to the  
3 grant. They have no independent right to reject or assert  
4 conditions. That's all done through the City of Chicago.

5 We've submitted a declaration from the Department of  
6 Justice that explains how that process works. So in our view,  
7 Evanston does not have standing to pursue a claim here. Only  
8 Chicago would have standing to do it because, again, they're  
9 the actual recipient of the grant. And also Chicago, of  
10 course, already has relief. So in that sense, there's no  
11 injury to Evanston here either because the conditions will not  
12 be enforced against Chicago and, thus, Chicago won't be  
13 enforcing them against a sub-recipient.

14 MR. HAUSSMANN: Your Honor, a couple of things.  
15 First, I should mention that counsel for Evanston,  
16 Ms. Michelle Masoncup, couldn't be here this morning. I think  
17 I can respond to --

18 THE COURT: All right.

19 MR. HAUSSMANN: -- counsel's argument regarding  
20 Evanston, but I wanted to mention that she will be available  
21 tomorrow if your Honor has further questions at that time.

22 With respect -- there are two plaintiffs here:  
23 Evanston and the U.S. Conference of Mayors. With respect to  
24 Evanston, this argument that as the sub-recipient, Evanston  
25 has no standing to sue is nonsense for the simple reason that

1 as the Attorney General acknowledges, even sub-recipients, in  
2 order to receive the funds through, in this case, Chicago have  
3 to certify compliance with the challenged conditions. And, in  
4 fact, Chicago would have to police that in the ordinary course.

5 And so in order for -- in order for Evanston to  
6 receive the funds, it still needs to certify compliance with  
7 the conditions. Nothing more is required here, your Honor.  
8 They are awaiting and have been allocated funds just like  
9 every other city, and they must certify compliance with the  
10 conditions in order to receive those funds.

11 THE COURT: Is that correct? The sub-recipients  
12 likewise have to do the same -- subject to the same conditions  
13 as the recipient?

14 MR. READLER: That's correct, your Honor, but the  
15 contract is between the City of Chicago and the federal  
16 government. The City of Chicago is the recipient of the  
17 grant. So all of the rights of the sub-grantees are  
18 controlled by the actual grantee itself.

19 In other words, the real party in interest here is  
20 the City of Chicago. And the sub-grantee has no independent  
21 rights. It doesn't apply for the grants. The City of Chicago  
22 then applies. And so it has no standing to challenge the  
23 conditions that may or may not apply to Chicago.

24 And again, also, you've already resolved whether  
25 there's actually any harm here because you've enjoined

1 enforcement against Chicago, so there's no harm against  
2 Evanston because those conditions also can't be enforced  
3 against Evanston.

4 THE COURT: What's the harm if I grant the injunction  
5 against -- in favor of Evanston, also? What's the harm?

6 MR. READLER: Well, your Honor, we don't think they  
7 have standing, for one, so we don't think they're a proper  
8 plaintiff in this case. And we also think that to the extent  
9 the Conference of Mayors also represents sub-grantees, it's  
10 the same issue. Again, those aren't the real parties in  
11 interest. They wouldn't have independent standing to  
12 challenge conditions of a contract between Chicago and the  
13 federal government.

14 THE COURT: Well, I think they're in a slightly  
15 different position than the Conference of Mayors. But it  
16 seems to me that -- what is the status as far as the  
17 government's position with the City of Chicago?

18 MR. READLER: With respect to that case, your Honor?

19 THE COURT: Yes. I mean, I entered -- not a final  
20 judgment. I think there's some outstanding things.

21 MR. READLER: Correct. You entered a permanent  
22 injunction in that case.

23 THE COURT: Right.

24 MR. READLER: And so as of now, the federal  
25 government will not be enforcing the three conditions at issue

1 against the City of Chicago. The nationwide injunction aspect  
2 of that case, as you know, the en banc Seventh Circuit issued  
3 a stay of the nationwide injunction.

4 THE COURT: Right. I understand that. In fact, I  
5 stayed the nationwide injunction, also.

6 MR. READLER: Correct. So the conditions are not  
7 going to be enforced as of now against Chicago and, thus,  
8 won't be enforced against Evanston.

9 THE COURT: Well, I think for -- let's see. I've  
10 been told that there's an August 10 deadline.

11 MR. HAUSSMANN: That's correct, your Honor.

12 THE COURT: What is that deadline precisely?

13 MR. READLER: That's the date upon which the grant  
14 recipients have to agree to -- agree to the conditions in the  
15 grant or reject the grant. Now, that would be to the City of  
16 Chicago, which has -- the deadline would apply to the City of  
17 Chicago, and then the sub-recipients would --

18 THE COURT: What --

19 MR. HAUSSMANN: To be clear, Judge, it would apply  
20 not just to the City of Chicago but to hundreds of other  
21 cities around the country including hundreds that are  
22 represented here today by the Conference of Mayors.

23 THE COURT: Well, it seems to me that there's not a  
24 particularly good reason not to enter the injunction in favor  
25 of Evanston, so the Court will do so.

1           It seems to me that, whatever an August 10 deadline  
2 is, that if it applies to Evanston at all, then they need the  
3 injunction.

4           MR. READLER: Right, and it doesn't apply to Evanston  
5 because it only applies to Chicago. And Chicago is going to  
6 get their grant. Evanston will then get the conditions of  
7 Chicago --

8           THE COURT: It seems to me, no harm, no foul. I will  
9 extend the injunction to the claim of the City of Evanston.  
10 Now, that leaves, what, the Conference of Mayors?

11          MR. HAUSSMANN: Correct, your Honor.

12          THE COURT: Do you want to comment on that?

13          MR. READLER: Absolutely, your Honor. So there's  
14 obviously a lot of history here with nationwide injunctions.  
15 The Seventh Circuit stayed enforcement of the nationwide  
16 injunction in the Chicago case. The Ninth Circuit recently  
17 vacated a nationwide injunction in a case arising out of  
18 grants that were subject -- or applicable to the State of  
19 California and the City of San Francisco.

20               What the Conference of Mayors is trying to do here is  
21 to essentially achieve another nationwide injunction even  
22 though, one, the authority is against it and, two, they  
23 haven't established standing or injury for a host of their  
24 members.

25               So a couple of points to make. First, I would start

1 with the lack of standing for the Conference of Mayors and  
2 then, second, also explain why, even if there is standing,  
3 there's no basis for a preliminary injunction.

4           The first issue here is that this conference, to the  
5 extent it represents mayors, mayors are typically not  
6 authorized to bring suit on behalf of a city. So the  
7 Conference purports to represent a number of cities, but  
8 there's no -- there's no indication here that there was  
9 authorization by these cities, by the legal officer in the  
10 city to pursue a case, has actually authorized the lawsuit.  
11 Typically, it's not the mayor. It's oftentimes the city  
12 council or the city attorney.

13           Just as a starting point, there's no indication that  
14 these cities actually authorized a suit on their behalf, that  
15 the officer who can do that has done so. And the resolution  
16 that the mayors have offered here doesn't authorize a lawsuit  
17 in this case. It doesn't mention anything about expressly  
18 authorizing a lawsuit.

19           A significant problem here, a consistent theme across  
20 the conference is that many of the cities in the conference  
21 don't oppose to the conditions that are being imposed. Many  
22 of them have laws that actually require compliance with the  
23 federal government. And some of them actually have said that  
24 in this case.

25           As legal authority, I point your Honor to a decision

1 that Judge Orrick issued in another one of these grant cases.  
2 That was a case where San Francisco and the State of  
3 California had sued in the Northern District of California.  
4 Los Angeles also didn't like the conditions that were being  
5 applied to it, and it tried to intervene in this case in front  
6 of Judge Orrick in San Francisco, and Judge Orrick said, "No,  
7 your policies are different. Every city's policies are  
8 different, and so you can't intervene in this case. It  
9 involves different policies. You have to pursue your case in  
10 your own venue."

11 What the Conference is trying to do here is take  
12 essentially every city across the nation with varying  
13 policies, again, many of -- well, two issues. One, they  
14 haven't actually presented any evidence of what those actual  
15 policies are, no declarations like you saw in the City of  
16 Chicago case but, two, many of those cities are -- actually  
17 are in agreement with these conditions. 54 of those cities  
18 have already accepted the conditions, and yet the City -- the  
19 mayors are trying to undo all of that and get in front of you  
20 essentially a nationwide injunction to override a host of  
21 cities that actually agree with the conditions and to do so  
22 without any evidence of what the actual policies are in these  
23 cities and whether any sort of lawsuit was actually authorized.

24 The Conference talked about a resolution that it  
25 passed that, in their view, justifies what they're doing.

1 According to the Conference, they have 1400 members. Only 250  
2 members even voted on this resolution, and not all of them  
3 voted for it. So it's pretty hard to accept that this  
4 conference truly represents the interests of all cities around  
5 the country.

6 And a couple of additional points. Some cities and  
7 states have filed amicus briefs in this case, your Honor,  
8 making clear to you that they don't agree with what the  
9 Conference is doing here. The Conference purports to  
10 represent them, but they filed amicus briefs saying that they  
11 don't agree with it and they don't think the Court should  
12 grant relief for that basis or there's actually no standing,  
13 no injury to the Conference for that reason.

14 Assuming you think that there is standing, there's  
15 also, one, no injury here to the Conference itself and, two,  
16 the balance of harms and the equities favor very much the  
17 United States. The problem here is that the Conference will  
18 not be bound by any negative resolution of this case. This is  
19 just a one-way ratchet in terms of a legal device. What  
20 they're saying is they can sue, they can come in on behalf of  
21 all of these cities and if they win, they want to get relief  
22 for all of these cities but if they lose, no problem for the  
23 cities because the cities can all sue in other cases. They  
24 can join another association and bring a lawsuit there.

25 Your Honor, I think it's worth noting that like

1 Chicago, San Francisco, Philadelphia, a host of other cities  
2 have already brought their own cases. In some of those cases,  
3 they've received relief. In some of those cases, they haven't  
4 received relief, and yet the Conference is trying to come here  
5 on behalf of those same cities and potentially achieve relief  
6 they couldn't achieve in another case.

7 The bottom line is that these cases can be pursued by  
8 the individual cities like Chicago and Evanston has done, but  
9 there's no basis for the Conference to do it here. And they  
10 haven't given you any authority of a case where a court had an  
11 association before it and granted a nationwide relief the way  
12 they want to do so here.

13 So we think the orderly way to do this is to allow  
14 these issues to percolate around the country just as we think  
15 the Seventh Circuit en banc court indicated by staying the  
16 nationwide injunction there. That's how these issues should  
17 proceed.

18 THE COURT: Counsel?

19 MR. HAUSSMANN: Your Honor, briefly, there are a few  
20 things to address here, but the first is the practical reality  
21 of the situation. You will recall that we sought to intervene  
22 in this case previously. And at that time, the Attorney  
23 General said that we should -- there should be many lawsuits  
24 filed or at least that the Conference should file its own  
25 lawsuit. We've now done that.

1           And here's the practical reality of why we're here  
2 today, your Honor. By Friday, it's undisputed that hundreds  
3 of cities around the country are going to have to be forced to  
4 decide whether to accept the funds with the conditions  
5 attached or to forego receipt of these funds. It's also  
6 undisputed -- and of those, your Honor, about 250 -- and we've  
7 put in specifically each one. About 250 of those cities are  
8 conference members, and still more conference members will  
9 have to decide shortly after Friday. Friday is just the first  
10 deadline. Altogether, 300 Conference cities for fiscal year  
11 2017 alone, over 300, are awaiting about \$50 million in grant  
12 money. That's undisputed.

13           It's also undisputed that these Byrne JAG funds are  
14 critically important for law enforcement purposes in these  
15 jurisdictions. The Attorney General could not possibly  
16 dispute that. These funds are used to hire more police  
17 officers, to combat gun and gang violence and drugs. It's  
18 also undisputed that notwithstanding the importance of these  
19 funds, if these cities do not decide by Friday to accept the  
20 conditions, the Attorney General will not release the grant  
21 funds to those cities. That \$50 million will not go to the  
22 cities that need it. That's not in dispute. And it's also  
23 not in dispute that the three conditions that we're here to  
24 talk about are the same three conditions that both this court  
25 and the Seventh Circuit have ruled are unauthorized and

1 unconstitutional. And on the basis of that alone, we should  
2 be granted an injunction.

3 Now, with respect to the arguments raised today that  
4 there are essentially two categories, and these fall, both of  
5 them fall under the heading, I think, of, you know, attempted  
6 procedural roadblocks. We weren't allowed to intervene, they  
7 argued, because we could file our own suit. We're also not  
8 allowed now to represent Conference cities for a variety of  
9 reasons. He calls those standing reasons, and I want to  
10 address them.

11 And then he says that, counsel says we haven't  
12 established irreparable harm because we haven't put in  
13 sufficient evidence of the specific effects that the  
14 conditions will have on each of these jurisdictions. That's  
15 both incorrect, your Honor, and misplaced. It's misplaced  
16 because as this Court has held, a party faces irreparable harm  
17 if it's forced to choose between adhering to an  
18 unconstitutional law and facing financial injury or harm.  
19 It's absolutely undisputed that the Attorney General is now  
20 forcing that, just such a choice on these cities.

21 Second, while no evidence is really needed, it's not  
22 correct that the Conference has not put forward evidence of  
23 the specific impact that these conditions will have on their  
24 cities. First, both Evanston and the Conference have put in  
25 declarations -- the Conference from its executive director and

1 CEO, Tom Cochran, has testified that many cities -- and these  
2 are ordinances, your Honor, that your Honor can look up just  
3 like any other law. Many cities have welcoming city policies  
4 just like Chicago's welcoming city policies that would be  
5 overridden by these conditions.

6 Second, Mr. Cochran testified to the overwhelmingly  
7 shared belief among Conference cities as expressed through  
8 several resolutions that the conditions at issue are  
9 unconstitutional commandeering and, more important, that they  
10 will affect these cities' relationships with their immigrant  
11 communities and, in particular, will affect law enforcement  
12 relationships with those immigrant communities.

13 The Attorney General offers no contrary evidence. He  
14 just says, "Well, you didn't put in a declaration from each of  
15 the 250 cities' police chiefs or mayors that says that." It's  
16 not needed. There's no reason for that. And under  
17 well-established law including binding Circuit precedent, your  
18 Honor -- counsel said a moment ago there's no authority for  
19 the nationwide injunction. In truth, there is authority for  
20 it. There's a panel decision of the Seventh Circuit that has  
21 held that it was appropriate. I understand that's now been  
22 stayed, but it's not correct that there's no authority.

23 And under binding Circuit precedent in that same  
24 decision, the threatened impact of these conditions on the  
25 cities' sovereign ability to police themselves and on their

1 officers' relationships with city residents is irreparable  
2 harm. The Attorney General did not challenge that on appeal  
3 in the Chicago case, your Honor. And perhaps even more  
4 importantly, the Attorney General puts in no evidence today of  
5 any harm that he will face if the conditions cannot be imposed.

6 As the Seventh Circuit held, there is no harm. For  
7 ten years, the Attorney General has distributed these same  
8 funds to cities that are critical for law enforcement needs  
9 without those conditions. By contrast, the harm that cities  
10 face is real, your Honor, and we've put forth more than enough  
11 evidence of that.

12 With respect to standing, the Attorney General uses  
13 the term "standing" throughout his response brief, your Honor,  
14 but really, many of the arguments he raises have nothing  
15 whatsoever to do with standing. We've addressed already this  
16 idea that indirect grant recipients don't have standing  
17 because they receive their funds through another city, but he  
18 raises a number of additional arguments that he calls standing  
19 arguments.

20 So, for example, he says there are three other  
21 categories of cities that, in the Attorney General's view, do  
22 not have standing to seek any relief whatsoever from these  
23 conditions. These include cities that have no welcoming city  
24 ordinances on their books, cities that voluntarily choose to  
25 comply with the conditions, and cities and states like Texas

1 that have state laws that are similar to, at least in some  
2 respects, some of the conditions that are attempted to be  
3 imposed here.

4 But as a matter of law -- those arguments  
5 misunderstand both the law, your Honor, and plaintiffs'  
6 requested relief. First, as a matter of law, all of these  
7 cities share the same interest in freeing themselves from  
8 these forced conditions. Whatever cities think of these  
9 conditions, they share the same legal interest in not having  
10 the Attorney General, who is unauthorized, be able to impose  
11 them at his unilateral will upon cities.

12 And additionally, nothing about the requested  
13 injunction will change cities' abilities to make their own  
14 choices. Cities will be free following the Court's injunction  
15 to either agree to the conditions, to comply with state law,  
16 and to make their own policies. That, in fact, is the entire  
17 point.

18 And finally, I'll just address the conference, the  
19 additional argument he makes as to Conference's, the  
20 Conference's standing, which is the authorization argument.  
21 This event settled precedent, and we've cited the cases in our  
22 reply brief. In fact, they were the same cases cited by the  
23 Attorney General, your Honor. It's -- authorization from  
24 individual members to pursue litigation is not under the  
25 doctrine of associational standing required unless there is a

1 profound conflict of interest. The profound conflict of  
2 interest would be a case -- there's only two categories of  
3 cases that would qualify, your Honor. The first is one in  
4 which members of the Association were on both sides of the V.  
5 That is, the Association is suing some of its members. That's  
6 not the case here.

7           And the second is where some members would be  
8 directly and adversely impacted by a favorable ruling. As  
9 I've just said, that's also not the case here.  
10 Notwithstanding the policy decisions of these individual  
11 jurisdictions, nothing about the injunction will adversely  
12 impact any conference member. If conference members in Texas  
13 including those that -- well, actually, there's only one  
14 conference member that's sought to -- leave to file an amicus  
15 brief. The other cities are not members. But in any event,  
16 if those cities wish to comply with -- voluntarily with the  
17 conditions, they absolutely will not be prevented from doing  
18 so by this injunction.

19           With respect, finally, your Honor, to the scope of  
20 the relief at issue, I actually think that there's very good  
21 reason in this case to extend this injunction program-wide,  
22 not just for the reasons that your Honor has previously  
23 articulated but for the practical reasons that have come up  
24 just today. The Attorney General has made very clear in his  
25 briefing throughout the Chicago case and this case that he

1 will take every step possible to impose these conditions upon  
2 all jurisdictions who are not governed by an injunction.

3           So it seems to me that there are two options for the  
4 Court if the Court feels we're entitled to injunctive relief.  
5 Your Honor could grant an injunction that would apply to our  
6 members, or your Honor could grant a program-wide injunction.  
7 And our view is that a program-wide injunction is actually  
8 necessary to protect all of our members precisely because the  
9 Attorney General has said he will try to impose the conditions  
10 upon direct recipients, whose indirect recipients, some of  
11 which are conference members.

12           So there are many conference members -- and we put  
13 this in evidence, your Honor -- who receive their funds  
14 indirectly through state grants, county grants, and other city  
15 grants. Most of the cities, in fairness, would be protected  
16 if your Honor were to extend the injunction to all conference  
17 members, not all, but most, but some of the cities that  
18 receive their money indirectly through county grants would not  
19 be protected if the injunction did not apply program-wide, and  
20 that's because the Attorney General could impose those  
21 conditions upon the county as grounds for denying the funds.  
22 And it would result in the indirect grant recipient, here, the  
23 conference member, not receiving grant funds even though the  
24 Court had enjoined imposition of those conditions as to that  
25 indirect grant recipient.

1           We believe that for that reason, your Honor, a  
2 program-wide injunction is warranted.

3           THE COURT: Very briefly, response.

4           MR. READLER: Sure. Just three brief points. First  
5 of all, your Honor, all of these issues were before the  
6 Seventh Circuit at the stay posture. The Seventh Circuit knew  
7 that if it allowed -- if it stayed the injunction that those  
8 cities would not be protected by the injunction, that the  
9 deadline would come, and they would have to decide whether to  
10 accept or reject the conditions and, in fact, have sent  
11 argument on the issue after the deadline. So the Seventh  
12 Circuit has implicitly already addressed the issue of the  
13 concern of the August deadline and has rejected it.

14           Second, there's a vehicle here available to all of  
15 these cities, which is to bring a suit on their own just as  
16 Evanston has done, just as Chicago has done, Philadelphia, San  
17 Francisco. But there's no basis for a conference to bring a  
18 suit on behalf of all these cities and somehow receive a  
19 nationwide injunction. Again, there's no authority for that.  
20 I don't think they've given you any authority.

21           The third point, your Honor, is that there is a  
22 significant lack of evidence here. And that's not a small  
23 issue. The plaintiffs have the burden both to prove their  
24 standing and to prove why they're entitled to a preliminary  
25 injunction. In Chicago, you had a number of declarations

1 explaining how the City policy worked, how it was inconsistent  
2 with the conditions, and how the specific conditions would, in  
3 Chicago's view, harm the city.

4 Your Honor, all you have here, all you have is one  
5 declaration from the head of a lobbying organization who  
6 purports to say that hundreds and hundreds of cities have  
7 policies that somehow conflict with the Attorney General's  
8 conditions and that they'll be harmed. That is significantly  
9 less than what the Court requires in terms of proving injury  
10 in this case.

11 THE COURT: The deadline is the 10th?

12 MR. HAUSSMANN: It's Friday, your Honor, yes.

13 THE COURT: All right. We'll have a decision by the  
14 10th. Thank you.

15 MR. READLER: Thank you, your Honor.

16 MR. HAUSSMANN: Your Honor, is tomorrow's date  
17 stricken, or should we come in?

18 THE COURT: What was -- what did I have tomorrow?  
19 Was that the ruling?

20 MR. HAUSSMANN: You set it for ruling tomorrow at  
21 9:00 a.m.

22 THE COURT: It will be a written ruling.

23 MR. HAUSSMANN: Thank you, your Honor.

24 THE COURT: Thank you.

25 (Proceedings adjourned at 9:42 a.m.)

C E R T I F I C A T E

I, Judith A. Walsh, do hereby certify that the foregoing is a complete, true, and accurate transcript of the proceedings had in the above-entitled case before the Honorable HARRY D. LEINENWEBER, one of the judges of said court, at Chicago, Illinois, on August 8, 2018.

/s/ Judith A. Walsh, CSR, RDR, F/CRR August 28, 2018

Official Court Reporter

United States District Court

Northern District of Illinois

Eastern Division